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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,303	10/04/2006	Mario Leclerc	BRKP:012US/10602032	3382
33425 7590 04/02/2009 FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701				
EXAMINER YOUNG, SHAWQUITA				
ART UNIT		PAPER NUMBER		
1626				
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04/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,303

Applicant(s)

LECLERC ET AL.

Examiner

SHAWQUIA YOUNG

Art Unit

1626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-85 and 98-105 is/are pending in the application.
- 4a) Of the above claim(s) 98-102 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-85 and 103-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 75-85 and 98-105 are currently pending in the instant application. Applicants have cancelled claims 1-74 and 86-97 and added new claims 103-105 in an amendment filed on December 19, 2008. Claims 75-85 and 103-105 are being rejected and claims 98-102 are withdrawn from consideration.

I. *Response to Arguments/Remarks*

Applicant's amendment, filed on December 19, 2008, has not overcome the rejection of claims 75-78 under 35 USC 102(b) as being anticipated by Chen, et al.; the rejection of claims 75-85 under 35 USC 112, first paragraph as failing to comply with the written description requirement and the rejection of claims 75-85 under 35 USC 112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above rejections have been maintained because Applicants added limitation to claim 75 is considered new matter because the limitation is not supported by the original disclosure.

II. *Rejection(s)*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 75-78 are rejected under 35 U.S.C. 102(b) as being anticipated by *Chen, et al.* (See RN 406216-21-5, CAPLUS). The instant invention claims a polymer as defined in claim 75.

The *Chen, et al.* reference teaches polymers such as Poly[[9-(2-ethylhexyl)-9H-carbazole-2,7-diyl]-1,2-ethenediyl-1,4-phenylene[2,6-bis[(2-ethylhexyl)oxy]-9,10-anthracenediyl]-1,4-phenylene-1,2-ethenediyl] (See RN 406216-21-5, CAPLUS) and the use of these polymers in electroluminescence devices. This species of compound anticipates the genus compound of the instant invention, wherein the genus structure and its definitions are stated above.

Claim Rejections - 35 USC § 112, 1st paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 75-85 and 103-105 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The "polymer" in claim 75 is

not defined in the specification so as to know all of the different monomers units that could be included in the polymer. According to the specification the term polymer is defined as a molecule composed of at least 5 linked monomer units, preferably 5 to 500, linked monomer units and more preferably 5 to 100 linked monomer units. It is to be understood that the polymers as described herein may be composed of different monomeric units. Therefore, the specification lacks adequate support for Claims 75-85 and 103-105.

Claims 75-85 and 103-105 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants have added the following limitation "wherein the polymer is a homopolymer comprising repeating monomers consisting of the following structure....." in claim 75 but this limitation is not disclosed in the original specification and is considered new matter because the amendment introduces subject matter that is not supported by the original disclosure. The original specification does not disclose homopolymers which comprise repeating monomers selected from the structures in claim 75. Applicants are suggested to delete the added above limitation which is considered new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 75-85 and 103-105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 75-85 and 103-105 are indefinite for the reasons set forth above under 35 U.S.C. 112, first paragraph. Claims 75-85 and 103-105 are drawn to "a polymer" comprising the reaction product of a compound selected from the group in claim 75. However, the specification fails to disclose all of the various types of monomer units that could be present in the polymer and one of ordinary skill in the art does not know the metes and bounds of the claims. Therefore, the claims are indefinite.

III. Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawquia Young whose telephone number is 571-272-9043. The examiner can normally be reached on 7:00 AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawquia Young/

Examiner, Art Unit 1626

/Rebecca L Anderson/

Primary Examiner, Art Unit 1626

Application/Control Number: 10/568,303
Art Unit: 1626

Page 7